

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL DRS35074-MH-33

Short Title: Protect Public/Motocross Facilities. (Public)

Sponsors: Senators J. Jackson, J. Davis, and McInnis (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPOSE LIABILITY INSURANCE REQUIREMENTS ON MOTOCROSS
3 RACING FACILITIES OPEN TO THE PUBLIC.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** Chapter 66 of the General Statutes is amended by adding a new Article
6 to read:

7 "Article 47.

8 "Financial Responsibility for Certain Motocross Facilities.

9 **"§ 66-465. Definitions.**

10 The following definitions apply in this Article:

11 (1) ATV. – An all-terrain vehicle, as defined in G.S. 20-4.01.

12 (2) Commissioner. – The Commissioner of Insurance.

13 (3) Motocross facility. – A facility with one or more courses and related support
14 facilities featuring natural or man-made obstacles used to conduct races or
15 skills competitions for riders of ATVs or off-road motorcycles.

16 (4) Motorcycle. – Defined in G.S. 20-4.01.

17 (5) Off-road motorcycle. – A motorcycle designed exclusively for off-road use
18 by an individual rider with not more than two wheels in contact with the
19 ground.

20 (6) Person. – An individual, association, partnership, limited liability company,
21 firm, corporation, or private organization.

22 **"§ 66-466. Liability insurance.**

23 (a) Insurance Required. – A person cannot own or operate a motocross facility unless the
24 person carries insurance coverage provided by an accepted insurer of at least one million dollars
25 (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in the aggregate against
26 liability for injury to persons or property arising out of the operation of such facility or use of
27 such device. The insurance contract cannot include per person sublimits to liability. A person
28 required to be insured under this section must immediately notify the Commissioner upon receipt
29 of notice of cancellation, suspension, or nonrenewal of the policy.

30 (b) Proof of Insurance. – A person operating a motocross facility shall provide proof of
31 insurance coverage upon request by the Commissioner. Upon failure of the person to provide
32 proof of insurance, the Commissioner shall prevent operation of the facility until the person
33 provides proof of the required insurance coverage.

34 (c) Acceptable Insurer. – The insurance contract must be provided by an insurer or surety
35 that is acceptable to the Commissioner and authorized to transact business in this State. The
36 Commissioner cannot accept any commercial general liability insurance policy unless it obligates



1 the insurer to give written notice to the person at least 30 days before any proposed cancellation,
2 suspension, or nonrenewal of the policy.

3 **"§ 66-467. Exceptions.**

4 This Article does not apply to any one or more of the following:

- 5 (1) A motocross facility installed on private property that is not open to the public
6 and for which no fee is charged.
- 7 (2) A motocross facility owned or operated by the State, a unit of local
8 government, or any political subdivision thereof.

9 **"§ 66-468. Rule-making authority.**

10 The Commissioner shall adopt rules to implement this Article."

11 **SECTION 2.** The rule-making authority set out in G.S. 66-468, as enacted by
12 Section 1 of this act, is effective when this act becomes law. The remainder of this act becomes
13 effective July 1, 2019.